

AMENDED IN SENATE JULY 14, 2003

AMENDED IN SENATE MAY 28, 2003

AMENDED IN ASSEMBLY APRIL 28, 2003

AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 296

Introduced by Assembly Member Mullin

February 6, 2003

An act to add Section 17215.3 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 296, as amended, Mullin. ~~Sound insulation—Schools: aircraft noise.~~

Existing law establishes various site selection, seismic safety, and fitness-for-occupancy requirements applicable to school facilities.

~~This bill would, commencing January 1, 2005, prohibit any newly constructed public school building or newly manufactured public school portable classroom, as defined, from being placed in certain new or existing schoolsites, unless it has a prescribed interior noise level~~ *make findings and declarations regarding mitigating the impact of aircraft noise on schools and would require the State Department of Education to convene an advisory group to evaluate issues related to the impact of aircraft noise on schools, as specified. The bill would require the department to submit a preliminary and final report of its findings and recommendations, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17215.3 is added to the Education Code,
2 to read:
3 17215.3. (a) *The Legislature finds and declares all of the*
4 *following:*
5 (1) It is a goal of the Legislature to *promote safety and ensure*
6 that pupils are able to learn in an environment that has adequate
7 acoustic insulation ~~by equipping all permanent school buildings~~
8 ~~and portable classrooms with proper sound abatement materials.~~
9 ~~(b) The legislature finds and declares there are between 85,000~~
10 ~~and 110,000 portable classrooms in the State of California.~~
11 ~~(c) The Legislature finds and declares that incompatible land~~
12 ~~uses include schools that do.~~
13 (2) *Pursuant to Sections 5012 and 5014 of Title 21 of the*
14 *California Code of Regulations, a public or private school of*
15 *standard construction that is inside a 65 dB CNEL boundary that*
16 *does not have adequate acoustic performance to ensure an interior*
17 *equivalent sound level (Leq) of 45 dB or less, averaged over the*
18 ~~eight hour schoolday,~~ in all classrooms, due to aircraft noise, *is an*
19 *incompatible land use.*
20 ~~(d) Commencing January 1, 2005, all newly constructed public~~
21 ~~school buildings that are proposed to be located on a new or~~
22 ~~existing schoolsite that is inside a noise impact boundary with a~~
23 ~~current 65 dB CNEL aircraft noise contour shall be designed to~~
24 ~~have a schooltime interior Leq of 45 dB or less, resulting from~~
25 ~~aircraft operations.~~
26 ~~(e) (1) Commencing January 1, 2005, all newly manufactured~~
27 ~~public school portable classrooms that are proposed to be located~~
28 ~~on a new or existing schoolsite that is inside a noise impact~~
29 ~~boundary with a current 65 dB CNEL aircraft noise contour shall,~~
30 ~~upon leaving the manufacturer, be designed to have a schooltime~~
31 ~~interior Leq of 45 dB or less, resulting from aircraft operations.~~
32 ~~(2) Paragraph (1) does not apply to any portable classroom that~~
33 ~~is temporarily leased during the repair, construction, or~~
34 ~~modification of a school building.~~
35 ~~(f)–~~

1 (3) *Since October 1, 1998, the Federal Aviation Administration*
2 *(FAA) has not approved remedial noise mitigation measures for*
3 *new incompatible development that occurs in the vicinity of*
4 *airports under the Airport Noise Compatibility Program, also*
5 *known as the Part 150 program. Thus, federal funding of sound*
6 *abatement for schools is in jeopardy.*

7 (4) *Pursuant to FAA regulations, a school located in a 65 dB*
8 *to 70 dB, inclusive, CNEL noise contour, that does not have at least*
9 *a 25 dB reduction, is an incompatible land use.*

10 (5) *Poor classroom acoustics in areas with increased noise*
11 *resulting from aircraft operations exacts a social cost of impairing*
12 *the education of children.*

13 (6) *It is necessary to explore ways to mitigate the impact of*
14 *noise from aircraft operations on education.*

15 (b) As used in this section, the following terms have the
16 following meanings:

17 (1) *“Airport Noise Compatibility Program,” or “Part 150*
18 *program,” means a program that sets forth the measures that an*
19 *airport operator has taken or has proposed for the reduction of*
20 *existing incompatible land uses and the prevention of additional*
21 *incompatible land uses within the area covered by noise exposure*
22 *maps.*

23 (2) *“CNEL” or “community noise equivalent level” means*
24 *the noise metric adopted by the state for evaluating airport noise*
25 *exposure.*

26 ~~(2)~~
27 (3) *“Decibel” or “dB” means the relative logarithmic measure*
28 *of sound.*

29 ~~(3)~~
30 (4) *“Equivalent sound level (Leq)” means a measure of*
31 *average noise exposure resulting from the accumulation of sound*
32 *levels over a particular time period of interest--for example, one*
33 *minute, one hour, an eight-hour schoolday, nighttime, or a full 24*
34 *hour day.*

35 ~~(4)~~
36 (5) *“Noise contour” means continuous lines of equal noise*
37 *level usually drawn around a noise source, including, but not*
38 *limited to, an airport. The lines are generally drawn in 5-decibel*
39 *increments so that they resemble elevation contours in*
40 *topographical maps.*

1 ~~(5)~~

2 (6) “Portable classroom” means a temporary structure not
3 constructed with a permanent foundation containing one or more
4 rooms, each of which is designed, intended, and equipped for use
5 as a place for formal instruction of pupils by a teacher in a school.

6 (c) (1) *The department shall convene an advisory group to*
7 *evaluate issues and prepare a report related to noise caused by*
8 *aircraft operations and the effects on public schools located in a*
9 *65 dB CNEL noise contour.*

10 (A) *The advisory group report shall include, but not be limited*
11 *to, information on all of the following:*

12 (i) *The number of airports that have 65 dB CNEL boundaries*
13 *that extend into the community.*

14 (ii) *The number of schoolsites that are in a 65 dB CNEL noise*
15 *contour.*

16 (iii) *The extent to which aircraft noise is a reported problem for*
17 *schools in a 65 dB CNEL noise contour.*

18 (iv) *Methods by which schools located in a 65 dB CNEL noise*
19 *contour address noise problems caused by aircraft noise.*

20 (v) *Methods by which schools fund sound abatement.*

21 (vi) *The incidence of construction activity at schools located in*
22 *a 65 dB CNEL noise contour.*

23 (B) *The advisory group shall provide the department with*
24 *recommendations that address all of the following:*

25 (i) *Whether aircraft noise is a significant reported problem for*
26 *schools located in a 65 dB CNEL noise contour.*

27 (ii) *Whether the problem may be solved through legislation or*
28 *regulation.*

29 (iii) *The role of entities represented in the advisory group in a*
30 *proposed solution.*

31 (iv) *The anticipated financial costs incurred in implementing*
32 *the proposed solutions.*

33 (2) (A) *The membership of the advisory group shall be*
34 *comprised of one representative from each of the following:*

35 (i) *The department.*

36 (ii) *The Office of Public School Construction.*

37 (iii) *The Division of the State Architect.*

38 (iv) *The State Allocation Board.*

39 (v) *The Division of Aeronautics.*

1 (B) *The advisory group shall request participation from each of*
2 *the following:*

3 (i) *The FAA.*

4 (ii) *School districts with schools in a 65 dB CNEL noise*
5 *contour.*

6 (d) *Based on the report prepared by the advisory group, the*
7 *department shall submit a preliminary report on its findings and*
8 *recommendations to the Legislature no later than April 1, 2004,*
9 *and make a final report on its findings and recommendations to the*
10 *Legislature, the Senate Committee on Education, and the*
11 *Assembly Committee on Education, no later than July 1, 2004.*

12 (e) *It is the intent of the Legislature that costs incurred by the*
13 *state pursuant to this section be absorbed within the existing*
14 *resources of the entities enumerated in subparagraph (A) of*
15 *paragraph (2) of subdivision (c).*

